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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,138

02/12/2007

Elan D. Scheinman

25960-013 NATK

3808

30623

7590

09/23/2008

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C  
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BOSTON, MA 02111

EXAMINER

YUN, JURIE

ART UNIT

PAPER NUMBER

2882

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,138	<b>Applicant(s)</b> SCHEINMAN ET AL.	
	<b>Examiner</b> JURIE YUN	<b>Art Unit</b> 2882	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/11/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/31/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. On page 2 of the oath/declaration filed 7/2/07, there appears to be a typo in the filing date listed for 60/543,768. The filing date appears as 11/02/04, but perhaps should be 02/11/04 (mm/dd/yy).

### ***Specification***

2. The abstract of the disclosure is objected to because it should be more descriptive of the claimed invention. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 22 is objected to because of the following informalities: line 1 recites "barrel of a weapon" and the last line recites "gun". These terms should be consistent throughout the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peschmann (USPN 5,367,552).

6. With respect to claim 22, Peschmann discloses a system for detecting a barrel of a weapon in a container, the system comprising: a CT scanner (24) operative to perform a CT scan of a container; a conveyor (20) for advancing a container through the CT

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scanner; a host processor (52) in communication with the CT scanner and operative to receive CT data from the CT scanner; and a detection processor (26) in communication with the host processor and operative to: reconstruct slice data; analyze the slice data to determine if a certain shape exists; if the shape does not exist, then determine if the detection processor has analyzed the last slice for the container; if the detection processor has not analyzed the last slice for the container, then analyzing the next slice to determine if a certain shape exists; and if the detection processor has analyzed the last slice for the container, then determining that no contraband was found in the container (column 3, lines 25+ & column 8, lines 26-50).

Peschmann does not specifically disclose the detection processor in communication with the host processor and operative to analyze the slice data to determine if at least one of a hollow circular shape and an oval shape of a known diameter exists, the shape being surrounded by metal or dense plastic. Peschmann is concerned with detecting (abstract) "concealed objects such as explosives, drugs, or other contraband." Peschmann describes comparing the shape of the object against a list of characteristics corresponding to the target object, for example, if the shape of the object has a large central area and a small cap-like feature at one end, this shape corresponds to the shape of an explosive with a detonator cap (column 10, lines 38-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peschmann to have the detection processor and host processor determine if at least one of a hollow circular shape and an oval shape of a known

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diameter exists, the shape being surrounded by metal or dense plastic, in cases when specifically searching for guns.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JURIE YUN whose telephone number is (571)272-2497. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jurie Yun/  
Primary Examiner, Art Unit 2882

September 18, 2008